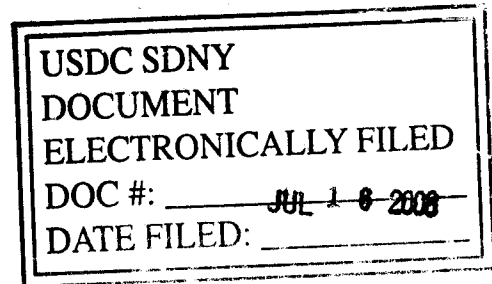


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
:
UNITED STATES OF AMERICA
:
-v-
:
SILVESTRE RICO BELTRAN,
:
Defendant.
:
- - - - - x

SUPERSEDING INDICTMENT

S1 07 Cr. 804 (RJS)



COUNT ONE

The Grand Jury charges:

1. From in or about March 2007 through in or about July 2007, in the Southern District of New York and elsewhere, SILVESTRE RICO BELTRAN, the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that SILVESTRE RICO BELTRAN, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others,

was committed in the Southern District of New York:

a. On or about July 22, 2007, SILVESTRE RICO BELTRAN, the defendant, traveled to the vicinity of 516 Pugsley Avenue in the Bronx, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. On or about July 22, 2007, in the Southern District of New York, SILVESTRE RICO BELTRAN, the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offenses alleged in Counts One and Two of this Indictment, SILVESTRE RICO BELTRAN, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

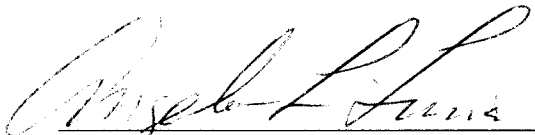
Substitute Asset Provision


a. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

- v. -

SILVESTRE RICO BELTRAN,

Defendant.

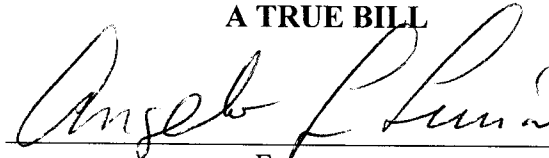
INDICTMENT

S1 07 CR 804 (RJS)

(Title 21, United States Code, Sections 812, 841(a)(1),
841(b)(1)(A), and 846; Title 18, United States Code,
Section 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

7/16/08 (S1) Superseder filed

10/1/08